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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HUTCHINS DRYWALL INC.,	)	
	)	Civil No. 2:10-cv-497-MMD-VCF
Plaintiff & Counterclaim Defendant,	)	
	)	
v.	)	JOINT MOTION TO TAKE PENDING
	)	DATES OFF CALENDAR
UNITED STATES OF AMERICA	)	
	)	
Defendant & Counterclaim Plaintiff.	)	
	)	

Plaintiff and Counterclaim Defendant Hutchins Drywall, Inc. (“Hutchins”) and Defendant and Counterclaim Plaintiff the United States of America (“United States”) by and through their undersigned counsel, hereby move the Court to take all pending dates off calendar while the parties work towards a settlement of this matter. The parties submit the following in support of this motion:

1. Hutchins submitted a written offer to the United States to settle this suit. The parties are still

1 negotiating the specific terms with regard to a possible settlement. In order to consider the offer, it was  
2 necessary for the United States to request additional information from the Internal Revenue Service. The  
3 Internal Revenue Service is in the process of obtaining the requested information.

4 2. The Court amended the scheduling order on July 5, 2012, and in accordance with the order the  
5 following deadlines are currently in effect:

6	Discovery Cut-Off Date	November 21, 2012
7	Fed.R.Civ.P. 26(a)(2) Disclosures (Rebuttal Experts)	October 22, 2012
8	Dispositive Motions	January 7, 2012
9	Pre-trial Order	February 4, 2012

10 3. Following the Tax Division's procedures for reviewing a settlement offer in this type of case,  
11 after trial counsel makes their recommendation of the offer, it will go to the Chief of the Trial Section. If  
12 the Trial Section believes the offer merits acceptance, it will recommend acceptance of the offer and  
13 forward it to the Office of Review of the Tax Division. If the Office of Review believes the offer merits  
14 acceptance, it will recommend acceptance of the offer and then forward it to the Assistant Attorney  
15 General of the Tax Division. If the Assistant Attorney General of the Tax Division believes the offer  
16 merits acceptance, it will recommend acceptance of the offer and forward it to the Associate Attorney  
17 General for final action.

18 4. Because of the several steps involved, the procedures described in paragraph 3, above, may  
19 take several months to complete.

20 5. Accordingly, the parties request that this Court stay this case and immediately suspend all  
21 deadlines so that the parties can work on a settlement of this matter without incurring any additional  
22 costs and expenses associated with trial preparation.

23 6. If the settlement offer is ultimately accepted, the parties will jointly move for dismissal of this  
24 action with prejudice.

25 7. The parties suggest that the Court order that the parties submit a joint status report in ninety  
26 (90) days, in the event that the parties have not yet jointly moved for dismissal of this action by that time.  
27

1 8. Although the Court has allowed the parties several extensions of the scheduling order, this is  
2 the first request for a stay of this action by the parties. The parties make this motion in good faith and for  
3 the purpose of attempting to resolve this action through settlement, without incurring any further costs,  
4 and not for purposes of delay.

5  
6 Dated: October 18, 2012

7 BAILUS COOK & KELESIS, LTD.

KATHRYN KENEALLY  
Assistant Attorney General

8  
9 /s/ George P. Kelesis  
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15 Of Counsel:  
16 DANIEL BOGDEN  
17 United States Attorney

18 *Attorneys for Defendant/  
19 Counterclaim plaintiff*  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

HUTCHINS DRYWALL INC.,

Plaintiff & Counterclaim Defendant,

v.

UNITED STATES OF AMERICA

Defendant & Counterclaim Plaintiff.

Civil No. 2:10-cv-497-MMD-VCF

ORDER

Upon consideration of the Joint Motion To Take Pending Dates Off Calendar, and for good cause shown,

IT IS HEREBY ORDERED that the scheduled dates set forth in the Order Extending Case Deadlines (Dkt. No. 40) are taken off calendar and this action is stayed;

IT IS FURTHER ORDERED that the parties shall file a Joint Status Report on or before January 21, 2013.

Dated: 10-22-2012



CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE